

I would like to register my opposition to mandatory broadcast controls encoding in television signals to prevent what the media and broadcasting industry considers unauthorized copying. The question that the FCC must ask is which harm is greater, that of the consumer to record and watch broadcast TV when convenient, or that of the broadcasters to capture an additional revenue stream by denying the consumer this ability and forcing them in to a pay-per-play model?

As an organization charged with promoting the public good, denying consumers an ability that they have had since the invention of the VCR can only have a detrimental impact on consumer behavior and choice. As it stands, consumers have been provided the fair-use right and freedom to access copyrighted material when their schedules deem appropriate. As long as consumers do not attempt to profit or distribute the copyrighted material, their right to review the material that they have “purchased” has been upheld. The potential for technology to deny these rights does not mean that the technology should be forced in to use.

By denying the consumers the ability to record programming to review at a later date, the FCC will only serve enable the broadcasting industry to force law-abiding consumers to provide financial compensation for rights previously enjoyed freely under the doctrine of fair-use. Those who seek to distribute copy-protected works without paying royalties will continue to do so.